Board of Environmental Review
Attachment to Executive Summary

This attachment lists the major changes to the CFR sections that are incorporated by reference in the air program rules, and were published in the Federal Register between July 1, 2000 and June 30, 2001. These changes are included in the July 1, 2001, CFR edition that is being incorporated by reference in this rulemaking.

CFR Sections Affected: 40 CFR Part 60.11 through 754

General Explanation: EPA made minor amendments to stationary source testing and monitoring rules. These amendments included miscellaneous editorial changes and technical corrections. In addition, EPA promulgated Performance Specification 15, which contains the criteria for certifying continuous emission monitoring systems (CEMS) that use fourier transform infrared spectroscopy (FTIR). Performance Specification 15 will provide the needed acceptance criteria for FTIR CEMS as they emerge as a new technology. These amendments apply to a large number of industries. Therefore, EPA did not list specific affected industries.

CFR Sections Affected: 40 CFR Part 60, subpart AAAA

General Explanation: EPA reestablished new source performance standards (NSPS) for new small municipal waste combustion (MWC) units. The NSPS for small MWC units contain stringent emission limits for organics (dioxins/furans), metals (cadmium, lead, mercury, and particulate matter), and acid gases (hydrogen chloride, sulfur dioxide, and nitrogen oxides). The NSPS for small MWC units were originally promulgated in December 1995, but were vacated by the U.S. Court of Appeals for the District of Columbia Circuit in March 1997. In response to the 1997 vacature, on August 30, 1999, EPA proposed to reestablish NSPS for small MWC units. The NSPS contained subpart AAAA are equivalent to the 1995 NSPS for small MWC units.

CFR Sections Affected: 40 CFR Part 60, subpart BBBB

General Explanation: EPA reestablished emission guidelines for existing small municipal waste combustion (MWC) units. The emission guidelines contain stringent emission limits for organics (dioxins/furans), metals (cadmium, lead, mercury, and particulate matter), and acid gases (hydrogen chloride, sulfur dioxide, and nitrogen oxides). Emission guidelines for small MWC units were originally promulgated in December 1995, but were vacated by the U.S. Court of Appeals for the District of Columbia Circuit in March 1997. In response to the 1997 vacature, on August 30, 1999, EPA proposed to reestablish emission guidelines for small MWC units. The emission guidelines contained in subpart BBBB are equivalent to the 1995 emission guidelines for small MWC units.

On September 20, 2001, the Board approved amendments to ARM 17.8.302 and 340 that implement the requirements of subpart BBBB. The Park County municipal incinerator is the only affected facility in Montana.

CFR Sections Affected: 40 CFR Part 60, subparts CCCC and DDDD

General Explanation: EPA promulgated standards and guidelines for new and existing commercial and industrial solid waste incineration (CISWI) units. These standards and guidelines apply only to CISWI units burning nonhazardous wastes. There are no CISWI units in Montana at this time.

CFR Sections Affected: 40 CFR Parts 60, 61, 63, and 65

General Explanation: EPA promulgated a consolidated Federal air rule for the Synthetic Organic Chemical Manufacturing Industry (SOCMI). In this rule, EPA consolidated major portions of several new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAP) applicable to storage vessels, process vents, transfer operations, and equipment leaks within the SOCMI. The rule pulls together applicable Federal SOCMI rules into one integrated set of rules in order to simplify, clarify, and improve implementation of the existing rules with which source owners or operators must comply. The consolidated rule is an optional compliance alternative for SOCMI sources; sources may simply continue to comply with existing applicable rules or choose to comply with the consolidated rule. The effects of this consolidation are to improve understandability, reduce burden, clarify requirements, and improve implementation and compliance.

CFR Sections Affected: 40 CFR Part 63, subpart MM

General Explanation: EPA promulgated NESHAP for new and existing sources used in chemical recovery processes at kraft, soda, sulfite, and stand-alone semichemical pulp mills. Hazardous air pollutants (HAP) that are regulated by this final rule include gaseous organic HAP and HAP metals. The rule is intended to protect public health by requiring chemical recovery combustion sources to meet standards reflecting the application of the maximum achievable control technology (MACT) to control HAP emissions from these sources.

On July 20, 2001, the Board approved amendments to ARM 17.8.302(1)(f) that incorporate by reference the final rules published at 66 FR 3179 which are codified at 40 CFR Part 63, subpart MM.

CFR Sections Affected: 40 CFR Part 63.1270 through 1285

General Explanation: On June 17, 1999, EPA issued the NESHAP from Oil and Natural Gas Production Facilities and the national emission standards for hazardous air pollutants from Natural Gas Transmission and Storage Facilities (Oil and Gas NESHAP) (64 FR 32610). These technical corrections will clarify intent and correct errors in the Oil and Gas NESHAP. These technical corrections will not change the level of health protection the Oil and Gas NESHAP provide or the basic control requirements of the Oil and Gas NESHAP. The Oil and Gas NESHAP require new and existing major sources to control emissions of hazardous air pollutants (HAP) to the level reflecting application of the maximum achievable control technology (MACT).

CFR Sections Affected: 40 CFR Part 63, subpart CCCC

General Explanation: This action finalizes NESHAP for the nutritional yeast manufacturing source category. The EPA has identified the nutritional yeast

manufacturing source category as a major source of hazardous air pollutants (HAP) emissions of acetaldehyde. These final standards will eliminate approximately 13 percent of nationwide acetaldehyde emissions from these sources.

CFR Sections Affected: 40 CFR Part 63, subpart GGGG

General Explanation: This action promulgates NESHAP for solvent extraction for vegetable oil production. This industry is comprised of facilities that produce crude vegetable oil and meal products by removing oil from listed oilseeds through direct contact with an organic solvent. The EPA has identified solvent extraction for vegetable oil production processes as major sources of a single hazardous air pollutant (HAP), n-hexane. This final rule will require all existing and new solvent extraction for vegetable oil production processes that are major sources to meet HAP emission standards reflecting the application of the maximum achievable control technology (MACT). The EPA estimates that this final rule will reduce nationwide emissions of n-hexane from solvent extraction for vegetable oil production processes by approximately 6,800 tpy